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REMARKS

Claims 1-29 are currently pending in the subject application and are presently under consideration. A clean version of all pending claims is found at pages 2-6. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1, 2, 6-10, 13-15, 18-22, and 25-29 Under 35 U.S.C. §102(e)

Claims 1, 2, 6-10, 13-15, 18-22, and 25-29 stand rejected under 35 U.S.C. §102(e) as being anticipated by Beyda et al. (US 6,148,294). Withdrawal of this rejection is respectfully requested for at least the following reasons. Beyda et al. does not teach or suggest each and every element of the claimed invention.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting Verdegaal Bros., Inc. v. Union Oil Co., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The subject invention relates to intelligent display and access of likely candidate subdirectories during file save, access, browse, and/or other directory operations. (See pg. 3, ln. 15-17). For example, a user can be presented with a candidate tree structure created utilizing probabilistic information and utility upon attempting to open, save, browse, etc. In particular, independent claim 1 (and similarly independent claim 27) recites a component which analyzes probabilities and utilities associated with determining potential target directories for storing and accessing data.

Beyda et al. fails to teach or suggest a component which analyzes probabilities and utilities as recited in independent claims 1 and 27. The Office Action dated April 6, 2004 contends that "Beyda et al. teaches a user's patterns of access or use (i.e., utilities) by tracking directories and files are accessed most frequently (col. 1, line 66 – col. 2, line 3)." (See Office Action dated April 6, 2004, pg. 7). Applicants' representative disagrees with such assertion. In particular, the cited section of Beyda et al. is reproduced herein:

Accordingly, there is provided a computer system having a hierarchical directory system which analyzes a user's patterns of access or use. The system tracks which directories and files are accessed most frequently by the user when in a particular application. When the user wishes to access a file, the system presents the user with a list of directories or files in order of most likely use, based on the frequency tracking, from the particular application.

(See col. 1, ln. 66 – col. 2, ln. 6) (emphasis added). Thus, Beyda et al. relates to tracking frequency of access of files or directories by a user. Furthermore, the user is presented with a list of files or directories in order of most likely use based on the frequency tracking. Therefore, Beyda et al. presents an ordered list according to frequency of access. Additionally, a weighing factor can be considered; however, the weighing factor disclosed in Beyda et al. relates to the file type or the date of access. (See col. 4, ln. 64 – col. 5, ln. 3). The Office Action contends that "the fact Beyda et al. can present to the user the directory or file most likely to be accessed indicated that Beyda utilizes the probability algorithm to calculate the expected probabilities and utilities for the target directories or files." (See Office Action dated April 6, 2004, pg. 8). Applicants' representative disagrees with this statement since tracking frequency of access is not the same as analyzing probabilities and utilities. The cited section of Beyda et al. does not teach or suggest analyzing probabilities and utilities as recited in the subject claims.

On the contrary, the claimed invention analyzes probabilities and utilities. In particular, the applicants' claimed invention employs utilities which are based on costs of navigating from candidate nodes in the directory structure to other nodes to find the desired or target information. (See pg. 3, ln. 21-28). These navigation costs represent the time and/or effort required by a user to navigate from a recommended node to the actual target. Thus, Beyda et al. does not teach or suggest such aspects of the claimed invention.

Furthermore, Beyda et al. does not teach or suggest assigning probabilities and utilities to a plurality of potential nodes or determining an expected utility from the probabilities and utilities associated with the plurality of target nodes as recited in independent claim 13 (and similarly independent claim 26). Probabilities and utilities are

assigned to each node and expected utilities are determined based on the *probabilities* and utilities. The expected utility of a potential target node is the probability that the node is the target node weighted by the utility of that node being the target, then summed together with the probabilities that the target location is in some near proximity to the target, weighted by the utility of making a navigational move to an adjacent node from the target and the cost of reviewing a list associated with the navigation. (See pg. 10, ln. 11-16). Ideal candidates for display are determined by minimizing the navigation costs.

Beyda et al., on the contrary and as noted supra, relates to determining the frequency of access. The user is able to adjust certain parameters of the of the adaptive file directory scheme via the time base interface, the duration interface, the file type interface, and the weighing interface. (See col. 5, ln. 12 – col. 6, ln. 22). However, these parameters relate to the frequency of use and do not teach or suggest determining an expected utility from the probabilities and utilities as recited in independent claims 13 and 26.

Moreover, Beyda et al. fails to teach or suggest displaying a candidate list of likely nodes as recited in independent claims 13 and 26. The candidate substructures provided to the user are a reduced subset of all possible directories in which the user must peruse and traverse during directory operations. (See pg. 4, ln. 5-7). Time is saved and efficiency is increased by presenting the user with a reduced subset of likely candidate directories. (See pg. 8, ln. 9-12). Beyda et al. does not provide a reduced subset of all possible directories. Instead, Beyda et al. discloses that the user is provided with a list of directories or files in order of most likely use. (See col. 2, ln. 3-6). Beyda et al. is silent with regards to providing a user with a reduced subset of all possible directories; thus, Beyda et al. does not teach or suggest displaying a candidate list of likely nodes as recited in the subject claims.

Furthermore, Beyda et al. does not teach or suggest determining potential target directories as recited in independent claims 1 (and similarly independent claims 13, 26, and 27). The subject invention provides a list of potential target directories ordered by maximum expected utility regardless of the directory level in which the potential target is located and thus, the amount of navigation required is mitigated. On the other hand,

Beyda et al. provides a list of subdirectories or files located within a parent directory ordered by frequency of access. Therefore, the target directory is not necessarily provided in the ordered list; instead, the target directory may be located within one of the directories in the list. Thus, Beyda et al. fails to teach or suggest determining potential target directories as recited in the subject claims.

In view of at least the above, it is readily apparent that Beyda *et al.* does not anticipate or suggest the subject invention as recited in claims 1, 13, 26 and 27 (and claims 2, 6-10, 14-15, 18-22, 25, and 28-29 which respectively depend there from). This rejection should be withdrawn.

II. Rejection of Claims 3-5 and 16-17 Under 35 U.S.C. §103(a)

Claims 3-5 and 16-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beyda et al. (US 6,148,294) in view of Ishizaki et al. (US 5,752,217 B1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Beyda et al. and Ishizaki et al., individually or in combination, do not teach or suggest each and every element set forth in the subject claims.

In particular, Ishizaki et al. fails to make up for the aforementioned deficiencies of Beyda et al. with respect to independent claims 1 and 13 (which claims 3-5 and 16-17 directly or indirectly depend from). Therefore, the subject invention as recited in claims 3-5 and 16-17 is not obvious over the combination of Beyda et al. and Ishizaki et al. Accordingly, withdrawal of this rejection is respectfully requested.

III. Rejection of Claims 11, 12, 23, and 24 Under 35 U.S.C. §103(a)

Claims 11, 12, 23, and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beyda et al. (US 6,148,294) in view of Candan et al. (US 6,549,896). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Beyda et al. and Candan et al., individually or in combination, do not teach or suggest each and every element set forth in the subject claims.

Candan et al. does not make up for the aforementioned deficiencies of Beyda et al. with respect to independent claims 1 and 13 (which claims 11, 12, 23, and 24 directly

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or indirectly depend from). Candan et al. merely discloses a method for estimating an association between media objects and a seed web page accessed by a user. (See abstract). Therefore, the subject invention as recited in claims 11, 12, 23, and 24 is not obvious over the combination of Beyda et al. and Candan et al. Accordingly, withdrawal of this rejection is respectfully requested.

IV. CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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